

United States District Court
Western District of Texas
El Paso Division

FILED

Jul 19 2011

Clerk, U.S. District Court
Western District of TexasBy: 

Deputy

USA

vs.

(1) DARWIN GEOVANNY-PEREZ

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§
§
§

CRIMINAL COMPLAINT

CASE NUMBER: EP:11-M -03648(1) RFC

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 18, 2011 in El Paso county, in the WESTERN DISTRICT OF TEXAS defendant(s) did, (track statutory language of offense) **being an alien to the United States, was found in the United States after having been previously excluded, deported, and removed from the United States without receiving permission to reapply for admission to the United States from the Attorney General of the United States and the Secretary of Homeland Security, the successor pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557** in violation of Title 8 United States Code, Section(s) 1326

I further state that I am a(n) BORDER PATROL AGENT and that this complaint is based on the following facts: " *The DEFENDANT, Darwin GEOVANNY-Perez, an alien to the United States and a citizen of Honduras was found in the United States on July 18, 2011 in Fabens, Texas in the Western District of Texas. From statements made by the DEFENDANT to the arresting agent, DEFENDANT was* "

Continued on the attached sheet and made a part of hereof.

Sworn to before me and subscribed in my presence,

July 19, 2011

File Date

ROBERT F. CASTANEDA
U.S. MAGISTRATE JUDGE

 Signature of Complainant
at EL PASO, Texas
City and State

 Signature of Judicial Officer

CONTINUATION OF CRIMINAL COMPLAINT - EP:11-M -03648(1)

WESTERN DISTRICT OF TEXAS

(1) DARWIN GEOVANNY-PEREZ

FACTS (CONTINUED)

determined to be a native and citizen of Honduras, without immigration documents allowing him to be or remain in the United States legally. Defendant has been previously removed from the United States to Honduras on August 30, 2000 through Miami, Florida. Defendant has not received permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States. On July 18, 2011 at approximately 12:00 p.m., Border Patrol Agent Robert Villasenor observed an individual, later identified as the DEFENDANT, cross the levee road and approach his marked Border Patrol vehicle approximately 7.2 miles east of the Fabens Port of Entry in Fabens, Texas. Agent Villasenor approached the DEFENDANT and identified himself as a United States Border Patrol Agent. Agent Villasenor questioned the DEFENDANT as to his citizenship to which the DEFENDANT admitted to being a citizen of Honduras without any immigration documents allowing him to be or remain in the United States legally. The DEFENDANT was taken into custody and transported to the Fabens Border Patrol Station for processing. At the Fabens Border Patrol Station, the DEFENDANT was enrolled into the e3/IDENT/IAFIS database. The e3/IDENT/IAFIS database revealed that the DEFENDANT had positive immigration and criminal history. The DEFENDANT was advised of his rights via Form I-214, which he acknowledged by signing. Further immigration record checks revealed that the DEFENDANT has not received the permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States.

IMMIGRATION HISTORY:

The DEFENDANT was removed to HONDURAS on August 30, 2000, through MIAMI, FL. The DEFENDANT was removed to HONDURAS on February 17, 2007, through EL PASO, TX. The DEFENDANT was removed to HONDURAS on December 16, 2007, through HOUSTON, TX. The DEFENDANT was removed to HONDURAS on November 4, 2002, through HOUSTON, TX. The DEFENDANT has been granted 1 voluntary return, the last on December 14, 2001, through LAREDO, TX.

CRIMINAL HISTORY:

On December 1, 2001, in Laredo, Texas, the DEFENDANT was Convicted of 8 USC 1325 Concealment of Facts About Reentry(M) and sentenced to Time Served (16 Days). On October 26, 2004, in Laredo, Texas, the DEFENDANT was Convicted of 8 USC 1325 Illegal Entry, Concealment of Facts(F) and sentenced to Time Served (137 Days). On June 27, 2006, in Las Cruces, New Mexico, the DEFENDANT was Convicted of 8 USC 1326 Reentry of Deported Alien(F) and sentenced to 8 Month Confinement.